

BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>LAKE CREEK IRRIGATION CO.</p> <p>RESPONDENT</p>	<p>DELINQUENT ASSESSMENT COLLECTION NOTICE</p> <p>SEAA No. 1361 DISTRIBUTION ACCOUNT: 101990 WATER RIGHTS: 55-7090, 55-7661, 55-7668, 55-8155/8158, 55-8225, 55-8237, 55-8390, 55-8654, 55-8655, 55-8719, 55-8740, 55-9100, 55-9111, 55-9130, 55-9287, 55-9366, 55-9502, 55-9576, 55-9599, 55-9617, 55-9628, 55-9654, 55-9659, 55-9721, 55-11955, 55-11985/11889, 55-12219</p>
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I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-1 (2008), and in accordance with UTAH ADMIN. CODE R. 655-15 (2008).

U.C.A. § 73-5-1 states in part :

(3) (a) (i) The salary and expenses of the commissioner and all other expenses of distribution, ... shall be borne pro rata by the users of water from the river system or water source in accordance with a schedule to be fixed by the state engineer.

(ii) The schedule shall be based on the established rights of each water user, and the pro rata share shall be paid by each water user to the state engineer on or before May 1 of each year.

(c) If a water user fails to pay the assessment as provided by Subsection (3)(a), the state engineer may do any or all of the following:

(i) create a lien upon the water right affected by filing a notice of lien in the office of the county recorder in the county where the water is diverted and bring an action to enforce the lien;

(ii) forbid the use of water by the delinquent water user or the delinquent water user's successors or assignees, while the default continues; or

(iii) bring an action in the district court for the unpaid expense and salary.

(d) In any action brought to collect any unpaid assessment or to enforce any lien under this section, the delinquent water user shall be liable for the amount of the assessment, interest, any penalty, and for all costs of collection, including all court costs and a reasonable attorney fee.

II. STATEMENT OF FACTS

1. The Respondent is the water user under distribution account 101990 and owner of the above-listed water rights.

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2. A Distribution Assessment Notice for the distribution account was issued on August 4, 2008 for the annual assessment in the amount of \$735.16.
3. A Delinquent Distribution Notice for the distribution account was issued on October 6, 2008 adding a delinquent fee in the amount of \$73.52.
4. A Distribution Assessment Notice for the distribution account was issued on April 2, 2009 for an annual assessment in the amount of \$735.16.
5. A Delinquent Distribution Notice for the distribution account was issued on August 4, 2009 adding a delinquent fee in the amount of \$154.38.
6. **The unpaid balance of distribution account 101990 is \$1698.22 including assessments and delinquent penalties.**

III. ACTIONS REQUIRED

1. The Respondent is hereby notified that the unpaid balance of **\$1698.22** must be paid in full within 30 days of the date of this Notice.
2. Payment of the unpaid balance shall be made in the form of a check payable to "**Utah State Engineer**" delivered to the address below:
Utah State Engineer
1594 West North Temple
PO Box 146300
Salt Lake City, UT 84114-6300
3. The enclosed assessment notice must be submitted with the payment and the distribution account number, 101990, must be written on the check.

IV. ADDITIONAL AGENCY ACTION

1. The Respondent is encouraged to pay the unpaid balance in full as required by this Notice. If the payment is made in a timely manner, the Division will conclude this agency action.
2. If the payment is not made in a timely manner, the Division will issue an Order forbidding the use of water until the payment is made as allowed under Utah Code Ann. § 73-5-1 (3)(c)(ii).
3. If an Order forbidding the use of water is issued and is violated by the Respondent, the Division may commence an enforcement action in accordance with Utah Code Ann. § 73-2-25 (2008).
4. If determined to be in violation of an Order, the Respondent may be subject to administrative penalties in accordance with Utah Code Ann. § 73-2-26 (2005), including fines not to exceed \$5,000 per day for knowing violations or \$1,000 per day for unknowing violations and replacement of up to 200% of water diverted in violation of the

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Order. In addition, the Respondent may be liable for expenses incurred by the Division in investigating and stopping the violation."

V. FURTHER INFORMATION

If you have any questions concerning this Notice, please refer them to:

Susan Odekirk
(801) 538-7431
susanodekirk@utah.gov
PO BOX 146300
Salt Lake City, Utah 84114-6300

Dated this 19th day of October, 2009


Susan Odekirk
Distribution Engineer

U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)
LAKE CREEK IRRIGATION CO
PO BOX 306
HEBER CITY, UT 84032

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

Postmark
Here

CHECK ONE (POSTAL USE ONLY)
☒ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

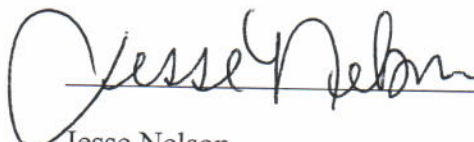
PS Form 152, May 2002 (See Reverse)

DELIVERY CONFIRMATION NUMBER: 9304 8002 0000 1229 6106

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 19th day of October 2009, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

LAKE CREEK IRRIGATION CO.
PO BOX 306
HEBER CITY, UTAH 84032


Jesse Nelson
Division of Water Rights
Field Services Secretary


[Online Services](#) | [Agency List](#) | [Business](#)

Utah Division of Water Rights



Edit Account - PROVO RIVER (LCD) - 101990

Billing Entity : LAKE CREEK IRRIGATION CO

Billing Contact : ATTN: DEVIN MCKROLA

Address 1 : 598 NORTH 200 WEST

Phone 1 : (435)657-1240

Address 2 :

Phone 2 : (801)830-0901

City : HEBER CITY

Reference : 44.5

State : Utah

Account Status

Zip : 84032

☒ Active ☐ Special ☐ Inactive

Account Type : Other

Primary Units : 0.00
 Secondary Units : 0.00
 Water Use Limit : 0

Direct Assessment : 735.16
 Special Assessment : 0.00
 Balance Owed : \$1,698.22

Account Notes

#	Date	User Name	Note
1	10/15/2009 3:44:37 PM	SODEKIRK	Called 10/15/2009 left message at phone 2 (801)830-0901.
2	10/15/2009 3:43:54 PM	SODEKIRK	Delinquent assessment notice sent to PO BOX 9, Heber City address.
3	8/17/2009 5:54:51 PM	JMNELSON	2009 DELINQUENT NOTICE RETURNED MAIL "MOVED LEFT NO ADDRESS"
4	4/22/2009 5:36:19 PM	JMNELSON	RETURNED MAIL - NOT DELIVERABLE AS ADDRESSED, 4-14-09
5	6/16/2005 2:28:36 PM	SWILLE	Previous address: Lake Creek Irrigation Co. PO Box 9 Heber City UT 84032
6	2/25/2003	HP3000	3859 AF (See the Financial Assessment file for list of water right, change and exchange numbers.)

Water Right Numbers

Payment History

#	Date	Assessment	Special Assessment	Adjustments or Late Fees	Payment	Balance	Status
1	3/1/1997	\$1,079.00				\$1,079.00	
2	4/24/1997				\$1,079.00	\$0.00	
3	3/1/1998	\$1,079.00			\$1,079.00	\$0.00	
4	4/17/1998					\$1,079.00	
5	3/1/1999	\$735.16				\$735.16	
6	4/13/1999				\$735.16	\$0.00	
7	3/1/2000	\$735.16				\$735.16	
8	3/9/2000				\$735.16	\$0.00	
9	2/21/2001				\$508.21	(\$508.21)	
10	3/1/2001	\$508.21				\$0.00	
11	3/1/2002					\$0.00	
12	5/12/2003 3:43:00 PM	\$735.16				\$735.16	
13	12/15/2003 11:38:08 AM				\$735.16	\$0.00	
14	4/22/2004 1:00:33 PM	\$735.16				\$735.16	
15	5/20/2004 2:12:42 PM				\$735.16	\$0.00	
16	3/28/2005 4:38:25 PM	\$735.16				\$735.16	
17	6/9/2005 3:06:57 PM			\$73.52		\$808.68	
18	10/21/2005 2:31:43 PM				\$735.16	\$73.52	
19	3/30/2006 3:04:53 PM	\$735.16				\$808.68	
20	5/4/2006				\$808.68	\$0.00	
21	4/28/2007 9:31:50 AM	\$735.16				\$735.16	
22	5/16/2007				\$735.16	\$0.00	
23	8/4/2008 10:55:49 AM	\$735.16				\$735.16	
24	10/6/2008 6:08:55 PM			\$73.52		\$808.68	
25	4/2/2009 11:28:48 AM	\$735.16				\$1,543.84	
26	8/4/2009 9:42:20 AM			\$154.38		\$1,698.22	